

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION**

**UNITED STATES OF AMERICA**

**VERSUS**

**CRIMINAL ACTION NO. 1:04CR135-P-D**

**EARL COUSINS, et al**

**ORDER**

This cause is before the Court, sua sponte, for consideration of a continuance of the trial scheduled for August 8, 2005. The Court, being fully advised in the premises, finds as follows, to-wit:

That the assigned district judge has a physical condition which requires surgery; the surgery and attendant recuperation period will prevent the judge from attending to judicial matters during the period of the previously scheduled trial. Accordingly, a continuance of the trial is necessary.

The above circumstances enable the Court to exclude, pursuant to 18 U.S.C. § 3161(h)(8)(A), the period of delay from August 8, 2005 until the new trial date to be set in this matter. The time is excludable under subsection (h)(8)(A) because, given the circumstances described above, the failure to grant a continuance of the proceeding would be likely to make a continuation of such proceeding impossible. Therefore, the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendant in a speedy trial.

IT IS, THEREFORE, ORDERED AND ADJUDGED that

1. The trial of this matter is continued until Monday, October 17, 2005 at 9:00 a.m. in the United States District Courthouse in Greenville, Mississippi;

2. That the delay from August 8, 2005 until October 17, 2005 is excluded as set out above;
3. That the deadline for filing pretrial motions is September 26, 2005;
4. That the deadline for submitting a plea agreement is October 3, 2005.

SO ORDERED, this the 12<sup>th</sup> day of July, 2005.

/s/ W. Allen Pepper, Jr.  
W. ALLEN PEPPER, JR.  
UNITED STATES DISTRICT JUDGE